

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In the Matter of:)
)
THE YOUNG MEN'S CHRISTIAN)
ASSOCIATION OF METROPOLITAN)
HUNTSVILLE, ALABAMA D/B/A HEART)
OF THE VALLEY YOUNG MEN'S)
CHRISTIAN ASSOCIATION,)
)
Debtor.)
)

APPLICATION BY DEBTOR-IN-POSSESSION FOR
APPROVAL OF EMPLOYMENT OF BANKRUPTCY COUNSEL

COMES NOW, The Young Men's Christian Association of Metropolitan Huntsville, Alabama doing business as the Heart of the Valley Young Men's Christian Association, Debtor and Debtor-in-possession (hereinafter referred to as "Debtor"), and hereby files this Application for Approval of Employment of the law firm of Heard, Ary & Dauro, LLC, as counsel, and says as follows:

1. The Debtor filed a petition for relief under Chapter 11 of the Bankruptcy Code on August 23, 2024.
2. Debtor is the duly qualified and acting debtor-in-possession in this case pursuant to 11 U.S.C. § 1184.
3. Debtor, as debtor-in-possession, desires to employ as counsel, the law firm of Heard, Ary & Dauro, LLC, whose attorneys are duly admitted to practice before this Court.
4. In the opinion of the Debtor, the employment of Heard, Ary & Dauro, LLC, is in the best interest of the estate on the basis that its attorneys have considerable experience in matters of this character, and the Debtor believes that these attorneys are well-qualified to act as

counsel to represent it as debtor-in-possession in this proceeding.

5. The professional services which the attorneys at Heard, Ary & Dauro, LLC are to render include:
 - (a) To give Debtor legal advice with respect to its powers and duties as debtor-in-possession;
 - (b) To take necessary action against various creditors, entities, governmental agencies, etc., to enforce the stay and protect the interests of the Debtor;
 - (c) To prepare on behalf of or to assist the Debtor in preparing, as debtor-in-possession, all necessary applications, answers, orders, reports and legal papers including the formulation of a disclosure statement and plan of reorganization; and
 - (d) To perform all other legal services for Debtor, as debtor-in-possession, which may be necessary herein.
6. To the best of Debtor's knowledge, Heard, Ary & Dauro, LLC, and its attorneys have no connection with the creditors, or any other party in interest or the respective attorneys and each qualifies as a "disinterested person" as that term is defined in Section 101(14) of the Bankruptcy Code.
7. Debtor desires to employ Kevin D. Heard and Angela S. Ary as counsel for the purpose of representing the Debtor as debtor-in-possession in the bankruptcy case and any and all proceedings arising in or related thereto and such other representation and litigation as is necessary for the preservation of the rights, properties and assets for the Debtor as debtor-in-possession during the pendency of this case.
 1. The terms of the employment of Heard, Ary & Dauro, LLC, agreed to by the debtor-in-possession, subject to the approval of this Court, are that Kevin D. Heard shall represent

the Debtor at his standard hourly rate of \$375.00 per hour and Angela S. Ary shall represent the Debtor at her standard hourly rate of \$325.00 per hour. The hourly rates are subject to periodic adjustments to reflect economic and other conditions. Applicant further states that all services for which compensation will be requested shall not be shared or divided except as allowed by law.

WHEREFORE, PREMISES CONSIDERED, your applicant prays that it be authorized to employ and appoint the law firm of Heard, Ary & Dauro, LLC as counsel under the arrangement as hereinabove described, to represent it as debtor-in-possession in this case under Chapter 11 of Title 11 of the United States Code, and that this Honorable Court enter its order approving said employment and the terms of payment thereof as described in the preceding paragraphs of this application, and that the Debtor has such other and further relief as is just and proper.

Respectfully submitted this the 23rd day of August, 2024.

/s/ Kevin D. Heard
Kevin D. Heard

/s/ Angela S. Ary
Angela S. Ary

Proposed Attorneys for Debtor
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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of August, 2024, I served a copy of the foregoing **Application by Debtor-In-Possession for Approval of Employment of Bankruptcy Counsel** on the parties listed below, and on the clerks certified matrix, by depositing the same in the United States Mail, postage prepaid and properly addressed, via electronic mail at the e-mail address below, unless the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a “Notice of Electronic Filing” pursuant to FRBP 9036 in accordance with subparagraph II.B.4. of the Court’s Administrative Procedures as indicated below:

Notice will be electronically mailed to:

Richard Blythe

Richard_Blythe@alnba.uscourts.gov, courtmaildec@alnba.uscourts.gov

Notice will not be electronically mailed to:

All parties on the attached matrix were served via U.S. Mail.

/s/ Kevin D. Heard

Kevin D. Heard